



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing. Appeal of Fire Code Requirements for J.J.S. Warehouse.

MEETING DATE: May 15, 1991

PREPARED BY: Fire Chief

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RECOMMENDED ACTION: Discussion and appropriate action.

BACKGROUND INFORMATION: This appeal was to be heard at the regular City Council meeting of December 19, 1991. It was continued to allow for the Fire Department and the appellant, Mr. Anton Sitter to meet and discuss the requirements placed on his business. It was the intent of both parties to attempt to reach a solution to the concern about the Fire Departments interpretation of the Uniform Fire Code. After several meetings, written correspondence, and an additional delay in holding the Public Hearing the Fire Department is prepared to proceed with the Public Hearing.

The Fire Department believes that its interpretation of the Uniform Fire Code is correct. We have conferred with the Uniform Fire Code Coordinator from the International Conference of Building Officials for input on our interpretation. We have met with Mr. Sitter and his Attorney to further clarify the requirements. We have toured his facility and written several letters in which we have defined the Code requirements. To date I am unsure of Mr. Sitters intent regarding compliance with the requirements as I have had no written or verbal response to my final letter. Should I receive a response I will share it with the Council.

The Fire Department is comfortable with the requirements as stated in our final letter to Mr. Sitter and we are hopeful that he will agree to make the needed alterations to his facility. We are also open to granting him time to complete the work required.

Included in this Council Communication are the most recent letters which were mailed to Mr. Sitter. These letters include the Fire Departments requirements which are

APPROVED:

*Thos. A. Peterson*

THOMAS A. PETERSON  
City Manager



issued under the authority of the Uniform Fire Code and the Lodi Municipal Code. We feel that these minimum nationally recognized standards provide the City with good fire protection and should be enforced to insure a reasonable degree of fire and life safety in our community. Fire Marshal Steve Raddigan and I will be available at the Council Meeting to answer questions and provide you with additional background on this matter.

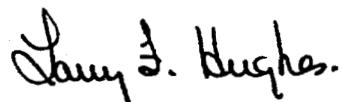
The following documents are included in with this agenda item as background information for the City Council.

- \* July 31, 1989              Letter regarding original fire inspection of facility.
- \* Sept. 12, 1989              Letter responding to Mr. Sitter's questions regarding original inspection.
- \* Jan. 22, 1990              Letter of response from Western Fire Chiefs.
- \* Sept. 28, 1990              Letter responding to questions raised by Mr. Sitter at meeting of Sept. 27, 1990 and further clarification of issues.
- \* Sept. 28, 1990              Notice of Fire Hazard and Order to Abate.
- \* Oct. 24, 1990              Notice of Appeal filed by Mr. Sitter.
- \* March 6, 1991              Letter outlining agreements and addressing questions from March 4, 1991 meeting.
- \* March 27, 1991              Letter addressing further questions from Mr. Sitter which were delivered to Chief Hughes at a meeting with Attorney H. Horstmann.

\* April 11, 1991

Final letter addressing  
questions raised by Mr. Sitter  
during a tour of the facility  
on April 9, 1991.

Respectfully submitted,



Larry F. Hughes  
Fire Chief

CITY OF LODI  
FIRE DEPARTMENT

FIRE PREVENTION BUREAU  
210 WEST ELM STREET  
LODI, CALIFORNIA 95240

(209) 333-6739

July 31, 1989

J. J. S. Warehouse  
Attn: Anton N. Sitter  
23 Maxwell Street, #C  
Lodi, CA 95240

Dear Mr. Sitter:

RE: FIRE INSPECTION - 23 MAXWELL STREET

On July 27, 1989, I conducted an inspection of the premises indicated above. This inspection revealed conditions that are present that do not comply with applicable codes and ordinances.

I have a serious concern about the quantity of flammable liquids stored outside of the storage room. A research of the building history has provided the following information:

1. The storage room was built in about October 1981.
2. A sprinkler system was installed at that time to provide extra hazard protection in the storage room and ordinary hazard in the warehouse area for storage up to 12 feet in height.
3. The front office was not part of the warehouse.
4. That on April 2, 1985 a notice was issued to store flammable liquids in the inside storage room.

Provisions regarding the storage of flammable liquids are contained in the Uniform Fire Code and are:

The storage of flammable liquids in rooms or areas not accessible to the public shall not exceed the greater of 2 gallons per square foot of floor area actually being used for the storage of Class I-B, I-C, II or III-A liquids, or 120 gallons of Class I-B, 180 gallons of Class I-C, 240 gallons of Class II or 660 gallons of Class III-A liquids, or 240 gallons in any combination of Class I and Class II liquids subject to the limitations of the individual class.

FI23MAXW

J. J. S. Warehouse  
July 31, 1989  
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The storage of Class I-A flammable liquids in rooms or areas not accessible to the public shall not exceed 1 gallon per square foot of floor area actually being used for storage, or 60 gallons, whichever is greater.

The maximum quantity permitted shall be determined by using only the floor area actually occupied by liquid merchandise, including any contiguous aisle space.

Quantities exceeding these limitations shall be stored in an approved liquid storage room or liquid storage warehouse.

The following describes the manner of storage:

Containers under 30-gallon capacity shall not be stacked more than 3 feet or 2 containers high, whichever is greater, unless on fixed shelving or otherwise satisfactorily secured.

Storage shall not be closer than 3 feet to the nearest beam, chord, girder or other obstruction.

Storage shall be 3 feet below sprinkler deflectors.

In areas that are not accessible to the public, Class I, II and III-A liquids shall not be stored in the same pile or rack section as ordinary combustible commodities except when they are packaged together as kits.

Leaking containers shall be taken to a safe location in an area not accessible to the public and contents transferred to an undamaged container.

In order to meet the provision of the code, it will be necessary to group all flammable and combustible liquids on the same rack sections and then determine the quantity that will be permitted based on square footage and flammable liquid classification.

The possibility exists that you are exceeding the allowable quantities outside of the storage room.

There are additional conditions present that will require correction:

1. All storage above the west office is to be 18 inches below the sprinkler heads.
2. Combustible waste material shall be stored in metal or metal-lined containers with tight-fitting lids. The cardboard barrels and cardboard box in the front office must be removed.

J. J. S. Warehouse  
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3. The manner of storage for shipping boxes creates a hazard because of location and method of storage. A quantity not exceeding 100 cubic feet is permitted in a metal or metal-lined container equipped with a self-closing cover. A quantity exceeding 100 cubic feet must be stored in a room separated from the remainder of the building by a one-hour occupancy separation.
4. The flammable liquid storage room requires two exits..

A reinspection is scheduled for August 15, 1989 and will be conducted on or about that date.

If you have any questions, please contact me.

Sincerely in service,

*Steven Raddigan*

Steven Raddigan  
Fire Marshal

SR/lm

cc: Don Linn

CITY OF LODI  
FIRE DEPARTMENT

FIRE PREVENTION BUREAU  
210 WEST ELM STREET  
LODI, CALIFORNIA 95240

(209) 333-6739

September 12, 1989

J.J.S. Warehouse  
Attn: Anton N. Sitter  
23 Maxwell Street, #C  
Lodi, CA 95240

Dear Mr. Sitter:

RE: FLAMMABLE LIQUID STORAGE - 23 MAXWELL STREET

A review of the information provided indicates that the 1979 Uniform Fire Code was adopted at the time you began operating your business.

Division IV of Article 79 outlines the requirements for container and portable tank storage. Two occupancy types are listed that are similar to your type of business. These are: 1) mercantile and other retail occupancies, and 2) general purpose warehouse. The Uniform Fire Code provides a definition of a mercantile occupancy as the occupancy or use of a building or structure or any portion thereof for displaying, selling or buying of goods, wares or merchandise. There is no definition of a general purpose warehouse in the Uniform Fire Code, however, I was able to locate a definition in the National Fire Codes and Standards. As defined in NFPA 30, a general purpose warehouse is a separate, detached building or portion of a building used only for warehousing-type operations.

There are specific requirements for each occupancy outlined in the 1979 Uniform Fire Code. General purpose warehouse storage shall be in accordance with Table No. 79.402A and shall be in noncombustible or fire-resistive buildings or in portion of such buildings cut off by two-hour fire walls. A mercantile and other retail occupancies have a significant reduction in approved quantities outside of flammable liquid storage rooms. There is a requirement that quantities exceeding those amounts be stored in flammable liquid storage rooms. There is no such requirement for general purpose warehouses.

J.J.S. Warehouse  
September 12, 1989  
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A review of building plans indicates that there was a specific requirement for the construction of a liquid storage room. Other new construction is of one-hour construction. This information leads me to believe that because of the type of building construction, this building did not qualify as a general purpose warehouse and that a portion of the main building cut off by two-hour fire walls was constructed. However, even this room did not meet the requirements for exiting under 79 UBC 318.

In applying both the Uniform Fire Code and the Uniform Building Code adopted at the time you began your business, and comparing these Codes to the current operation, the building would be classified as an H2 Occupancy. The 1979 Uniform Building Code limits the building area to 1,500 square feet unless there is more than 30 feet from all property lines including property lines adjacent to public ways. As previously stated, the Uniform Fire Code requires buildings to be noncombustible or fire-resistive or in portions of such buildings cut off by two-hour fire walls.

Your building did not meet those requirements for a general purpose warehouse. This provides the reason why the Building and Fire Departments seemed so confused when trying to address your needs. You could not be a general purpose warehouse by building construction and area limitations, and you were not, by definition, a mercantile or other retail occupancy. Both departments attempted to apply portions of the Code from each category. The overall intent was to have the flammable and combustible liquids in excess of a determined amount stored in the storage room. There is nothing in the Codes that required only the paint thinner to be stored in this room.

The 1982 edition of the Uniform Fire Code eliminated the general purpose warehouse and set the same requirements for wholesale and retail stores while creating a section for miscellaneous industrial buildings. These requirements increase approved quantities outside of storage rooms from those when you began operating your wholesale business.

It is my interpretation that your storage requirements in 1981 were more restrictive than today's requirements. This is based on the building not meeting requirements for a general purpose warehouse. It is also my interpretation that your storage needs to comply with the following:

The storage of flammable liquids in rooms or areas not accessible to the public shall not exceed the greater of 2 gallons per square foot of floor area actually being used for the storage of Class I-B, I-C, II or III-A liquids, or 120 gallons of Class I-B, 180 gallons of Class I-C, 240 gallons of Class II or 660 gallons of Class III-A liquids, or 240 gallons in any combination of Class I and Class II liquids subject to the limitations of the individual class.

J.J.S. Warehouse  
September 12, 1989  
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The storage of Class I-A flammable liquids in rooms or areas not accessible to the public shall not exceed 1 gallon per square foot of floor area actually being used for storage, or 60 gallons, whichever is greater.

The maximum quantity permitted shall be determined by using only the floor area actually occupied by liquid merchandise, including any contiguous aisle space.

Quantities exceeding these limitations shall be stored in an approved liquid storage room or liquid storage warehouse.

The following describes the manner of storage:

Containers under 30-gallon capacity shall not be stacked more than 3 feet or 2 containers high, whichever is greater, unless on fixed shelving or otherwise satisfactorily secured.

Storage shall not be closer than 3 feet to the nearest beam, chord, girder or other obstruction.

Storage shall be 3 feet below sprinkler deflectors.

In areas that are not accessible to the public, Class I, II and III-A liquids shall not be stored in the same pile or rack section as ordinary combustible commodities except when they are packaged together as kits.

Leaking containers shall be taken to a safe location in an area not accessible to the public and contents transferred to an undamaged container.

To answer some of the questions raised during our meeting on August 11, 1989, I provide the following:

1. In referring to the National Fire Codes, they would be used when a specific issue is not addressed in the Uniform Fire Code. In this case, the storage of flammable liquids is addressed in the Uniform Fire Code and reference is not made to the National Fire Code.
2. Storage inside the liquid storage room is permitted on shelving of noncombustible construction or of wood not less than 1 inch nominal thickness.
3. A girder is defined as a horizontal main structural member (as in a building or bridge) that supports vertical loads and that consists of a single piece or of more than one piece bound together.

J.J.S. Warehouse  
September 12, 1989  
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4. I would accept a fire sprinkler head inside the metal box used for the storage of shipping boxes in lieu of one-hour fire-resistive construction.
5. Any expansion of the current storage room will be in accordance with the applicable Codes.

I understand that these requirements will have an affect on storage procedures and will require a change in maintaining inventory and filling orders. I don't expect you to move inventory and then not be able to find it. I am sure a reasonable time period can be established that allows ample time to make the necessary adjustments without disregard for fire safety.

Your continued cooperation is appreciated.

Sincerely in service,



Steven Raddigan  
Fire Marshal

SR/lm



## Western Fire Chiefs Association, Inc.

*Organized September 30, 1891*

5360 SOUTH WORKMAN MILL ROAD • WHITTIER, CALIFORNIA 90601 • (213) 699-0124

January 22, 1990

Mr. Steven Raddigan  
Fire Marshal  
 City of Lodi  
 Fire Department  
 Fire Prevention Bureau  
 210 West Elm Street  
 Lodi, California 95240

Subject: Section 79.201 (e)ii  
 Uniform Fire Code, 1985 Edition

Dear Mr. Raddigan:

Your letter of December 15, 1989 has been forwarded to me for response. Your questions and our answers are as follows:

Q1: If the square footage formula allows for 1,200 gallons of Class I-B, is it the intent of this section to limit quantities to 120 gallons of Class I-B outside of storage rooms or to permit the 1,200 gallons outside of storage rooms?

A1: Section 79.201 (e)ii allows the greater amount as determined by the fixed quantity or the density formula; in this case, 1,200 gallons. Note that quantities determined by the density formula are actual densities over the area used for storage of flammable and combustible liquids and contiguous aisles. Quantities are not determined by averaging over the gross floor area. Additionally, the requirements of Section 79.201 (f) apply.

Q2: If the greater quantity of 1,200 gallons of Class I-B is permitted outside of storage rooms, would the building be required to meet the Building Code requirement for an Group H Occupancy?

A2: No, when in compliance with provisions set forth in A1.



Mr. Steven Raddigan  
January 30, 1990  
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- Q3: In using the square footage formula, and having an area of 150 square feet, the formula provides for 300 gallons of Class I-B. If shelving is used, can 300 gallons be placed on each shelf?
- A3: No. The density method uses the gross quantity of liquid over the actual storage area and contiguous aisle space surrounding the actual storage area. If the shelves and the contiguous aisles cover 150 square feet than a total of 300 gallons of Class I-B liquid is allowed on the shelves.

For your information, revisions to the requirements for the storage of flammable and combustible liquids (Article 79) are currently being considered for the 1991 edition.

If you should need to discuss this further, please feel free to call.

Sincerely yours,

*Jeffrey M. Flory*  
JMF  
Raymond Bizal  
Staff Engineer, Codes

RB:ec

# CITY OF LODI

## FIRE DEPARTMENT

FIRE PREVENTION BUREAU  
217 WEST ELM STREET  
LODI, CALIFORNIA 95240

(209) 333-6739

September 28, 1990

Mr. Anton N. Sitter  
J.J.S. Warehouse  
23 Maxwell Street #C  
Lodi, CA 95240

Dear Mr. Sitter:

RE: FIRE INSPECTION - 23 MAXWELL STREET, LODI

On September 27, 1990, I met with you and your son in your office to discuss the flammable liquid storage requirements. At that time, you submitted a rack storage configuration and requested that I determine the maximum allowable quantities to be stored. Several comments were made concerning the application and interpretation of codes. I would like to remind you that you may appeal any interpretation that you feel is incorrect.

Prior to stating the requirements under existing code, I would like to present information concerning the applicable codes adopted at the time you began your business.

UNIFORM FIRE CODE - 1979 EDITION

Two occupancy types are listed that are similar to your type of business. These are: 1) Mercantile and Other Retail Occupancies, and 2) General Purpose Warehouse. There are specific requirements for each type.

### GENERAL PURPOSE WAREHOUSE

A general purpose warehouse shall be of non-combustible or fire-resistive construction or in portions of buildings cut-off by two hour fire walls.

The building you presently occupy did not meet the requirement of non-combustible or fire-resistive construction. Storage would then need to be in portions of the building cut-off by two-hour fire walls. A sprinkler or equivalent fire protection system meeting extra hazardous design would also be required throughout the storage area.

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Storage permitted in general purpose warehouses is as follows:

Maximum Allowable Storage	Maximum Height
Class 1A 2750 gallons	3 feet
Class 1B 5500 gallons	6 feet

If a combination of classes was stored in the same pile, the maximum gallonage permitted in that pile would be the smallest of the two gallonages.

If you had installed a fire sprinkler system to meet extra hazard protection and constructed two-hour fire walls around the storage area, then you would have been a general purpose warehouse.

#### MERCANTILE AND OTHER RETAIL OCCUPANCIES

In rooms or areas accessible to the public, quantities were limited to 2 gallons per square foot of gross floor area being used. In unsprinklered buildings, the quantity could not exceed 30 gallons of Class 1-A, 60 gallons of Class 1-B, 90 gallons of Class 1-C, 120 gallons of Class II or any combination of flammable liquids totaling 120 gallons. In sprinklered buildings, the quantity could be doubled.

All quantities exceeding these limitations were required to be in a room or portion of the building that complies with provisions for an inside storage and handling room as provided in Section 79.404.

#### DESIGN AND CONSTRUCTION OF INSIDE STORAGE AND HANDLING ROOM

Inside storage and handling rooms must meet the following requirements:

1. Constructed to meet requirements of Group H, Division 2 occupancies.
2. Sprinkler systems designed for extra hazardous locations may increase allowable storage.
3. Openings to the room shall be provided with a non-combustible liquid tight raised sills or ramps at least four (4) inches in height.
4. Electrical wiring shall be approved for Class I, Division I locations.

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September 28, 1990  
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5. Ventilation shall be designed to provide for a complete change of air within the room at least six times per hour.
6. Heating shall be restricted.
7. Explosion venting shall be provided.
8. Exits shall be in accordance with the building code.

Storage is limited to the following:

1. A quantity of 5000 gallons would be permitted in rooms of two-hour construction having a maximum area of 500 square feet and provided with an automatic extinguishing system.
2. There shall be at least one aisle with a minimum width of three (3) feet.
3. Containers under 30 gallons capacity shall not be stacked more than 3 feet or two containers high.

After a review of documents, it is my opinion that actions were taken by you to meet the requirements of mercantile and other retail occupancies because the building did not meet construction requirements for a general purpose warehouse. This opinion is based on the following:

1. A fire sprinkler system was installed meeting a design for ordinary hazard except for a small area along the south wall which was designed for extra hazard. A probable reason for this was to maximize on the quantities of flammable liquids outside of a storage room.
2. A storage room was built that:
  - a. did not exceed 500 square feet.
  - b. was protected by fire sprinklers for extra hazard locations.
  - c. was constructed of two-hour fire walls.
  - d. using electrical components meeting hazardous location requirements.
  - e. provided for ventilation.
  - f. provided for a four (4) inch ramp at openings.

In addition, notes on building plans indicated that storage was to be in accordance with U.F.C. 79.409 (1979) and in 1985, a notice was issued requiring flammable liquids to be in the inside storage and handling room.

23 Maxwell St.  
September 28, 1990  
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This was not intended to be a general purpose warehouse for the following reasons:

1. New construction involved the use of some one-hour fire walls instead of all two-hour fire walls as required for a warehouse.
2. The fire sprinkler system installed did not meet the design for a warehouse storing flammable liquids.
3. There is not a requirement under general purpose warehouses to construct rooms or portions of buildings having four inch ramps, electrical components for hazardous locations and ventilation.

It was to your advantage to design as a mercantile or other retail occupancy. A general purpose warehouse would have required a full height two-hour fire wall and a sprinkler system meeting a design for extra hazard locations. The quantity of storage permitted would have been 5500 gallons with possible limitations because of mixed classes of flammables. This could have resulted in a maximum allowable of 2750 gallons. The quantity of storage as a fire sprinklered mercantile or retail occupancy having a storage room would have been 5240 gallons.

As stated in a previous letter, the requirements were more restrictive under the 1979 Uniform Fire Code than under the 1988 Uniform Fire Code.

The current code provides for the following:

WHOLESALE AND RETAIL STORES

In rooms or areas accessible to the public, storage shall be limited to quantities:

1. The amount of flammable liquid that may be stored in this building in rooms or areas not accessible to the public shall not exceed the greater of 2 gallons per square foot of floor area actually being used for the storage of Class I-B, I-C, II or III-A liquids.
2. The storage of Class I-A flammable liquids in rooms or areas not accessible to the public shall not exceed 1 gallon per square foot of floor area actually being used for storage.

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3. The maximum quantity permitted shall be determined by using only the floor area actually occupied by liquid merchandise, including any contiguous aisle space.
4. Quantities exceeding these limitations shall be stored in an approved liquid storage room or liquid storage warehouse.
5. The manner of storage shall be as follows:
  - a. Containers under 30-gallon capacity shall not be stacked more than 3 feet or 2 containers high, whichever is greater, unless on fixed shelving or otherwise satisfactorily secured.
  - b. Storage shall not be closer than 3 feet to the nearest beam, chord, girder or other obstruction.
  - c. Storage shall be 3 feet below sprinkler deflectors.
  - d. In areas that are not accessible to the public, Class I, II and III-A liquids shall not be stored in the same pile or rack section as ordinary combustible commodities except when they are packaged together as kits.
  - e. Leaking containers shall be taken to a safe location in an area not accessible to the public and contents transferred to an undamaged container.

After a review of the proposed rack storage plan, I have determined the following:

1. The maximum quantity of flammable liquids shall be 3648 gallons. At this time, I considered all liquids to be Class 1-B. I will continue to do so unless it becomes clear that you are storing Class 1-A liquids in excess of the one (1) gallon per square foot limitation. This would be determined by the storage of Class 1-A containers having a capacity of 5 gallons or more or storage of an appreciable amount of known Class 1-A flammable liquids.
2. The maximum quantity allowed for racks twenty-five (25) feet in lengths shall be 682 gallons.

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September 28, 1990  
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3. The maximum quantity allowed for rack twenty (20) feet in length shall be 572 gallons.
4. No storage of flammable liquids shall be permitted on the top shelf of any rack.
5. Manner of storage of containers shall be as follows:
  - a. Containers under 30-gallon capacity shall not be stacked more than 3 feet or 2 containers high, whichever is greater, unless on fixed shelving or otherwise satisfactorily secured.
  - b. Storage shall not be closer than 3 feet to the nearest beam, chord, girder or other obstruction.
  - c. Storage shall be 3 feet below sprinkler deflectors.
  - d. In areas that are not accessible to the public, Class I, II and III-A liquids shall not be stored in the same pile or rack section as ordinary combustible commodities except when they are packaged together as kits.
  - e. Leaking containers shall be taken to a safe location in an area not accessible to the public and contents transferred to an undamaged container.

During our conversation, you stated that it would take approximately three (3) months to complete the rearrangement of the rack storage. I find this to be acceptable.

I have enclosed a NOTICE OF FIRE HAZARD AND ORDER TO ABATE. This is being issued because of the comments made regarding the inability to operate with a reduced inventory and the inability to afford additional storage space.

Also, as requested, I have enclosed copies of the applicable fire code sections.

If you have any questions, please contact me.

Sincerely In Service,

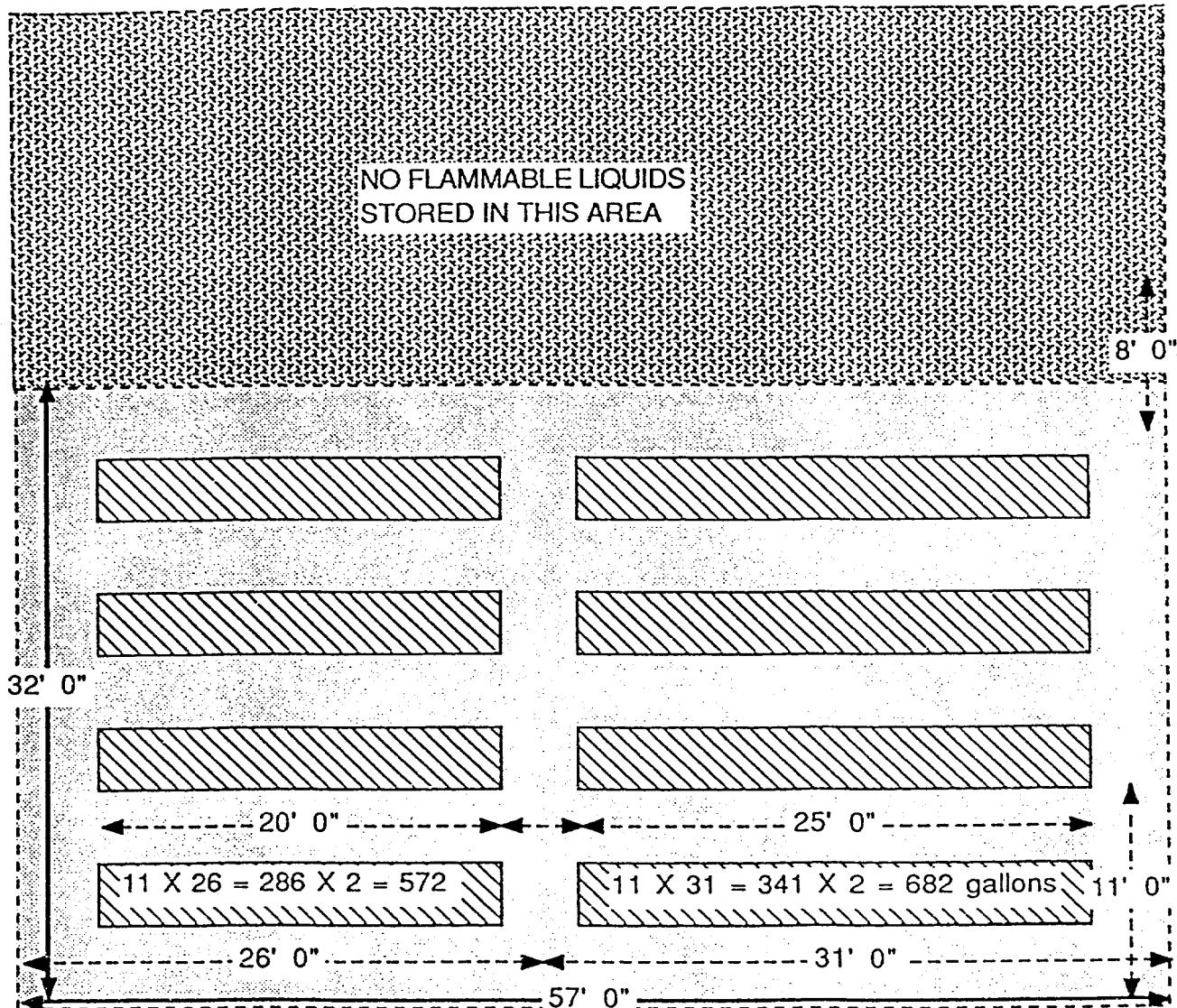
*Steven W. Raddigan*

Steven W. Raddigan  
Fire Marshal

SR/lh

N

# JJS WAREHOUSE - 23 Maxwell Street



Storage Area: 1824 square feet

Maximum quantity permitted in storage area: 3648 gallons

Maximum quantity permitted on 25' racks: 682 gallons

Maximum quantity permitted on 20' racks: 572 gallons

Total aggregate quantity shall not exceed 3648 gallons

**IRE DEPARTMENT**  
W. Elm Street  
Lodi, CA 95240  
(209) 369-2737

## CERTIFICATE OF INSPECTION

Date 4-2-85 EXHIBIT G

REF ID: A871457  
Firm Name J.W.S. Warehouse  
Owner/Mgr. Tony Litter

Address 23 Maxwell St.

Address \_\_\_\_\_ " "

Address \_\_\_\_\_

Reinspection 4-11-85

Initial/Date	Code Ref.	Code Compliance Required For Items Below
		<p>Flammable liquid storage shall be in inside storage + handling room</p>
		<p>Flash barrels shall be metal with tight-fitting metal lids.</p>

A reasonable degree of fire & life safety exists at this time.

*Failure to comply with the above listed requirements within the prescribed time periods is a violation of the Fire Code and can result in the issuance of a citation.*

Copy received by \_\_\_\_\_

### Inspector

*John Kelly*  
Fire Prevention Bureau

## **DISPOSITION**

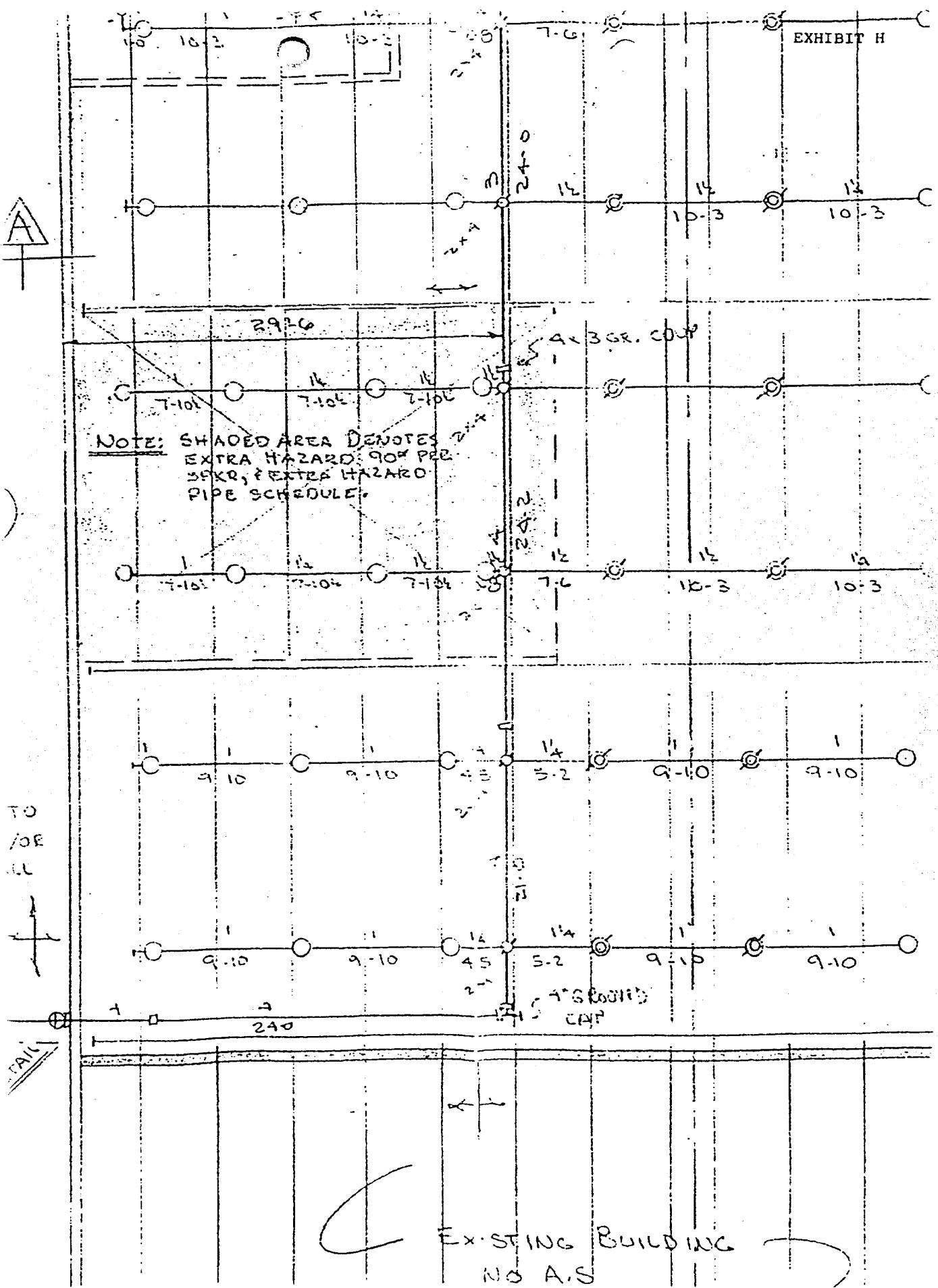
Request For Inspection File

Copy To:

Copy To Commercial File

Copy To Apartments File

EXHIBIT H



# CITY OF LODI

FIRE DEPARTMENT

FIRE PREVENTION BUREAU  
217 WEST ELM STREET  
LODI, CALIFORNIA 95240

(209) 333-6739

## NOTICE OF FIRE HAZARD AND ORDER TO ABATE

September 28, 1990

Mr. Anton N. Sitter  
J.J.S. Warehouse  
23 Maxwell St. #C  
Lodi, CA 95240

Dear Mr. Sitter:

RE: 23 MAXWELL STREET, LODI

### NOTICE OF FIRE HAZARD

Records indicate that you are the current occupant of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: Assessor Parcel No. 062-050-0004. Said property is more commonly known as 23 Maxwell Street, Lodi, CA 95240.

As the occupant, you are hereby notified that the undersigned Fire Marshal of the City of Lodi has inspected said property and has found conditions which create a FIRE HAZARD that are in violation of the Uniform Fire Code as adopted by the City of Lodi.

### INSPECTIONS AND VIOLATIONS

On September 24, 1990, the undersigned Fire Marshal caused said property to be inspected. The following violations were discovered:

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1988 Uniform Fire Code

Sec. 79.201(E)3(ii). In rooms or areas not accessible to the public storage of flammable and combustible liquids shall not exceed the greater of 2 gallons per square foot of floor area actually being used for the storage of Class I-B, I-C, II or III-A liquids, or 120 gallons of Class I-B, 180 gallons of Class I-C, 240 gallons of Class II or 660 gallons of Class III-A liquids, or 240 gallons in any combination of Class I and Class II liquids, subject to the limitation of the individual class. Storage of Class I-A liquids shall be prohibited in basements and limited to 1 gallon per square foot or 60 gallons, whichever is greater, on other floors.

Quantities exceeding these limitations shall be stored in an approved liquid storage room or liquid storage warehouse in accordance with Sections 79.202 and 79.203.

The manner of storage shall be in accordance with Subsection (f) of this section.

**VIOLATIONS:**

1. Flammable and combustible liquids are stored in quantities in excess of the allowable permitted.
2. Quantities exceeding these limitations are not stored in an approved liquid storage room.
3. The manner of storage is not in accordance with Subsection (f) of this section.

Sec. 79.201(f) Containers under 30-gallon capacity shall not be stacked more than 3 feet or 2 containers high, whichever is greater, unless on fixed shelving or otherwise satisfactorily secured.

Storage shall not be closer than 3 feet to the nearest beam, chord, girder or other obstruction.

Storage shall be 3 feet below sprinkler deflectors.

In areas that are not accessible to the public, Class I, II and III-A liquids shall not be stored in the same pile or rack section as ordinary combustible commodities except when they are packaged together as kits.

Leaking containers shall be taken to a safe location in an area not accessible to the public and contents transferred to an undamaged container.

23 Maxwell St.  
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**VIOLATIONS:**

1. Containers under 30-gallon capacity are stored more than three containers high or more than three feet high.
2. Storage is closer than three (3) to the nearest beam, chord, or girder.
3. Ordinary combustible commodities are stored in the same rack section as flammable liquids.

**DETERMINATION**

As a result of the foregoing violations, the undersigned Fire Marshal has declared that a FIRE HAZARD exists on the property and has made the following determination:

1. The storage of flammable liquids shall be limited to 2 gallons per square foot of actual storage area and in a manner as required by the fire code.

**TIME PERIOD FOR COMPLIANCE**

1. The storage of flammable liquids shall be as required by the fire code within 90 days.

**ORDER TO ABATE**

Pursuant to Section 15.20.030 of the Lodi Municipal Code, this Notice constitutes an ORDER to you, the occupant of the property in question, TO ABATE the conditions listed herein in a manner and within the time determined above.

**APPEAL**

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of the fire prevention code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Manager within thirty days from the date of the decision appealed.

23 Maxwell St.  
September 28, 1990  
Page 4

FAILURE TO COMPLY

No person, whether as owner, lessee, sublessee or occupant, shall use, occupy or maintain any occupancy, premises, or vehicle or cause or permit the same to be done, contrary to or in violation of any of the provisions of this fire code or any lawful order issued by the Fire Chief or his authorized representatives under this chapter. Any person violating the provisions of this section is guilty of a misdemeanor for each day such violation continues.

*Steven W. Raddigan*

Steven W. Raddigan  
Fire Marshal

SR/lh

cc: Chief Building Inspector  
City Attorney  
K.D. & R.V. Gamblin

OCT 26 1990  
**City Attorney's Office**

NOTICE OF APPEAL

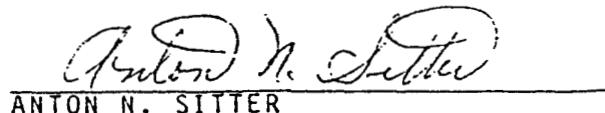
Thomas A. Peterson  
City Manager  
City of Lodi  
City Hall  
221 West Pine Street  
Lodi, California 95240

Re: 23 Maxwell Street, Lodi, California

Dear Sir:

The undersigned, Anton N. Sitter, owner of J.J.S. Warehouse located at 23 Maxwell Street, Building C, Lodi, California, hereby appeals from the Notice of Fire Hazard dated September 28, 1990, under the applicable provisions of the Uniform Fire Code and Lodi Municipal Code.

Dated: October 24, 1990

  
\_\_\_\_\_  
ANTON N. SITTER

cc: Robert McNatt, City Attorney  
Fire Chief



# Fire Department

210 West Elm Street  
Lodi, California 95240  
209/333-6735

## Management Team

Robert Gorbet  
Larry Lorenz  
Steve Raddigan  
Gary Duck  
Ken Morgan  
Frank Ortiz

Larry F. Hughes  
Fire Chief

*MARCH*

February 6, 1991

Mr. Anton N. Sitter  
J.J.S. Warehouse  
23 Maxwell Street, #C  
Lodi, CA. 95240

Dear Mr. Sitter:

RE: RESULTS OF OUR MEETING OF 3-4-91, REGARDING FIRE INSPECTION REQUIREMENTS FOR 23 MAXWELL STREET, LODI

As a result of the meeting between yourself, your son, your Attorney Herb Horstmann, myself and Fire Marshal Steve Raddigan, the Fire Department is in agreement that if the following Fire Code conditions are carried out, your warehouse at 23 Maxwell, #C, will be in compliance with the 1988 Edition of the Uniform Fire Code.

### QUANTITY OF FLAMMABLE LIQUID TO BE STORED:

1. The maximum quantity of Class I-B, I-C, II or III-A liquid shall be computed by taking the floor area designated for flammable liquid storage and multiplying that square footage by 2. This equates to storage of 2 gallons per square foot of floor area as the amount that may be stored in the designated area. When computing the square footage of the designated flammable liquid storage area, you can use only the floor area actually used (rack area) and any contiguous aisle space to that rack or storage area.
2. Quantities of flammable liquids in excess of those calculated using the above criteria must be stored in the liquid storage room.
3. You may store combustible materials on separate racks in the designated flammable liquid storage area, but the square footage taken up by this storage cannot be used to compute the total gallonage allowed in that area.
4. You must meet all of the requirements regarding methods of storage which were outlined in Fire Marshal Raddigan's letter dated September 28, 1990. They are as follows:

stacked more than 3 feet or 2 containers high, whichever is greater, unless on fixed shelving (which I believe you have) or otherwise satisfactorily secured.

- b. Storage shall not be closer than 3 feet to the nearest beam, chord, girder or other obstruction.
- c. Storage shall be 3 feet below sprinkler deflectors (heads).
- d. In areas that are not accessible to the public, Class I, II and III-A liquids shall not be stored in the same pile or rack section as ordinary combustible commodities except when they are packaged together as a kit. (This is why we required that combustibles be stored on separate racks in item #3 above)
- e. Leaking containers shall be taken to a safe location in an area not accessible to the public and contents transferred to an undamaged container.

There is still the question of how much flammable liquid can you store in your building. If you will provide us with a diagram of your building showing the rack configuration and their size and the location and size of the "designated flammable liquids storage area", we will be pleased to provide you with the maximum amount of Class I-B, I-C, II, and III-A flammable liquids that you can store in your building and on each rack.

As we noted during our meeting, your building does not meet the requirements of a General Purpose Warehouse under the 1979 Uniform Fire Code, and it is to your advantage to use the provisions of the 1988 Uniform Fire Code in lieu of spending the dollars to bring the building up to the requirements of the 1979 code. However, if you choose to do so, we will accept the building under the provisions of the 1979 code, once it is modified to meet the requirements of that code.

At our meeting you requested six (6) months to comply

At our meeting you requested six (6) months to comply with the requirements of the code (1979 or 1988). If your choice is to meet the requirements as I have outlined them in this letter I have no problem allowing you an additional six (6) months to comply. If however, you choose to continue with your appeal I ask that you notify the City Manager by no later than March 12, 1991 so that your appeal can be placed on the March 20, 1991 City Council Agenda or be continued until the April 10, 1991 City Council Agenda. If you are not going to continue with your appeal I will report back to the City Council on March 20, 1991 that you have been given an additional six (6) months to comply with the items as noted in this letter, and that you have agreed to comply as herein stated.

Thank you for meeting with us and attempting to work out our differences. We appreciated the opportunity to discuss these items, and hopefully we have provided clarification on what the Uniform Fire Code requirements are for your building.

Respectfully,



Larry F. Hughes  
Fire Chief

cc:

Tom Peterson, City Manager

Steve Raddigan, Fire Marshal ✓

Herb Horstmann, Attorney

File

JJS/1



# Fire Department

210 West Elm Street  
Lodi, California 95240  
209 / 383-6785

## Management Team

Robert Gorbet  
Larry Lorenz  
Steve Raddigan  
Gary Duck  
Ken Morgan  
Frank Ortiz

March 27, 1991

Mr Anton N. Sitter  
J.J.S. Warehouse  
23 Maxwell St. #C  
Lodi, CA. 95240

Dear Mr. Sitter,

Your attorney, Mr. Herb Horstmann, and I met on March 26, 1991 for the purpose of clarifying points of my letter of March, 6 1991. As noted previously this letter was improperly dated February 6, 1991. During my meeting with Mr. Horstmann it was concluded that you needed clarification of the following points.

- 1.. Does your building meet the requirements to be classified as Non-Combustible and/or Fire Resistive construction?
2. If you choose to meet the requirements of the 1988 code, as listed in the Fire Departments correspondence to you, how long can materials be left in the shipping/receiving area of the building?

My answers to these questions are:

1. The exterior of your building, which I understand to be metal construction, does meet the requirements for Non-Combustible construction as currently defined in the Uniform Building Code. For the entire building to meet this requirement all interior walls must also meet this definition. I believe that your building does have some walls with wood studs. If this is true then the building will not meet the requirement.

If, however, the wood studs are covered with one hour fire resistive materials as defined in the code you would then have a Non-Combustible exterior wall with Fire Resistive Interior walls and would then meet the construction requirements of the 1979 Uniform Fire Code for a general purpose warehouse.

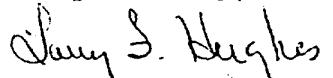
I must point out that you would still not meet the 1979 Uniform Fire Code requirement for an extra hazard sprinkler system.

2. The question of how long you can leave materials in the shipping and receiving area is not clearly defined in the 1988 Uniform Fire Code. We would not be concerned with ordinary combustible materials being left in this area as long as they are not blocking exits. The flammable and combustible liquids in this area must be moved to the "designated" flammable liquids storage area of the warehouse in a reasonable time frame from when they are received. I am certain that the codes intent is to not allow the storage of these materials in areas other than those areas so "designated" and meeting the design criteria for such storage. We believe that the maximum length of time that flammable and combustible liquids can be left in the shipping and receiving area is one week (7 days). Anything longer would undoubtedly constitute storage.

We will await your decision on continuing of the appeals process or its' termination. Please let us know what your decision is so that we can advise the City Council prior to the City Council meeting of April 17, 1991. It would be most beneficial to us to hear from you by April 9th so that we can include materials in the City Council informational package for the April 17th meeting.

Thank you for your efforts to meet the requirements and to settle this issue. I hope that I have addressed the questions and given you the answers that you needed. If I have not, please contact me as needed for further assistance.

Respectfully,



Larry F. Hughes  
Fire Chief

cc: Tom Peterson, City Manager  
Steve Raddigan, Fire Marshal  
Herb Horstmann, Attorney  
File✓

# CITY OF LODI

## FIRE DEPARTMENT

HEADQUARTERS STATION  
210 WEST ELM STREET  
LODI, CALIFORNIA 95240

(209) 333-6735

April 11, 1991

Mr Anton N. Sitter  
J.J.S. Warehouse  
23 Maxwell St. #C  
Lodi, CA. 95240

Dear Mr. Sitter,

As a result of our meeting on April 9, 1991 and my tour of your facility I am forwarding this letter in a final attempt to provide you with clarification of the requirements of the Uniform Fire Code (UFC) for the storage of flammable and combustible liquids in your facility.

During our conversations and previous correspondence we have agreed that you have the option of complying with either the 1979 or the 1988 Edition of the UFC. This decision was made by the Fire Department due to the fact that your facility was constructed in 1981 under the 1979 Edition, and our interpretation that the 1979 Edition is more restrictive than the 1988 Edition. With this in mind I am herein providing you with the requirements which would have to be complied with under each of these Codes, and will leave the decision as to which one you want to comply with up to you.

Uniform Fire Code, 1979 Edition requirements are as follows:

A. BUILDING CONSTRUCTION: The building must be of non-combustible or fire-resistive type of construction. If this requirement is not met, the flammable and combustible materials must be stored in an area of the building which is separated from the remainder of the building by two hour fire walls. Your present building has been modified from the original design by the addition of wood over the non-combustible metal walls and by the breaching of the two hour wall with a large doorway.

It is my opinion that in order to meet the above stated building construction requirements you have three choices.

1. Cover the wood on the metal walls throughout the

entire building (excluding the office/lobby area) with a material which will provide the required fire resistance of these walls (one hour is required).

or

2. Cover the wood on the metal walls in the warehouse portion of the building with material which will provide the required fire resistance of these walls (one hour is required) and close off, or install a properly rated fire door in, the large door opening breaching the two hour fire wall between the warehouse and the shipping area.

or

3. Construct a two hour fire wall around the designated flammable and combustible liquids storage area of the warehouse. With this requirement you would be required to cover the wood only on the walls which would be within the two hour enclosed area. You will also require less area of extra hazard sprinkler system coverage as noted below.

B. FIRE SPRINKLER REQUIREMENTS: Regardless of the choice made regarding the building construction in item A above, an automatic fire sprinkler system designed and installed as per National Fire Protection Standards for an extra hazard area must be installed. The area of coverage will depend on the construction choice you make. If you choose Item A, 1 or 2, the code requires the entire warehouse area to be covered by an automatic fire sprinkler system meeting extra hazard design as per National Fire Protection Association standards. If your construction choice is Item A, 3, the extra hazard sprinkler system is only required inside of the area separated by the two hour fire walls.

C. FLAMMABLE AND COMBUSTIBLE LIQUIDS STORAGE LIMITATIONS: Regardless of your choices for building construction and sprinkler coverage the 1979 Edition of the UFC places the following limits on storage.

Maximum Allowable Storage (ground floor)	Maximum Height (except as noted below)
Class IA 2750 gallons	3 feet
Class IB 5500 gallons	6 feet
Class IC 16500 gallons	6 feet
Class II 16500 gallons	9 feet
Class IIIA 55000 gallons	15 feet

When two or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the two or more separate maximum gallonages. We believe that the lowest flash point material you are storing in the warehouse area is Class IB. If this is the case then your storage in the warehouse area will be restricted to a maximum of 5500 gallons. Aisles must be provided so that no container is more than 12 feet from an aisle. Main aisles shall be at least 8 feet wide and side aisles at least 4 feet wide.

The maximum height of materials stored on the ground or on a pallet shall be as noted in the chart above. When stacked on the shelves of racks it is allowable to stack the materials on a shelf to the maximum allowable height. Example: Class IB materials can be stacked 6 feet high on a shelf, or on two shelves each stacked 3 feet high.

The clearance of stored materials from sprinkler heads, beams, chords, girders, or other obstructions shall be 3 feet.

Materials which create no hazard to the liquids in the warehouse may be stored in the same area.

D. STORAGE IN THE INSIDE STORAGE AND HANDLING ROOM: The room which was constructed in 1981 will accommodate a maximum of 5000 gallons of storage which must be stored as follows:

1. This storage area must include at least one aisle with a minimum width of 3 feet.
2. Storage must be 3 feet below all sprinkler heads.
3. Containers under 30 gallons capacity shall not be stacked more than 3 feet or two containers high, whichever is greater, unless on fixed shelving or otherwise satisfactorily secured. Containers over 30 gallons capacity shall not be stacked one upon the other.
4. This room requires two exits.
5. Shelving shall be of non-combustible material or of wood of 1" nominal thickness.

Uniform Fire Code, 1988 Edition requirements are as follows:

A. BUILDING CONSTRUCTION: No modifications to the type of construction are required.

B. FIRE SPRINKLER REQUIREMENTS: The automatic sprinkler system does not have to be designed to meet the requirements of the National Fire Protection Association standard or the Uniform Building Code standard for extra-hazardous occupancy.

C. FLAMMABLE AND COMBUSTIBLE LIQUIDS STORAGE REQUIREMENTS: The maximum quantity of Class I-B, I-C, II or III-A flammable liquid shall be computed by taking the floor area designated for flammable liquid storage and multiplying that square footage by 2. When computing the square footage of the designated flammable liquid storage area, you can use only the floor area actually used for storage and any contiguous aisle space to the rack/storage area.

Quantities of flammable liquids in excess of those calculated using the above criteria must be stored in the liquid storage room.

Other storage requirements are as follows:

1. You may store combustible materials on separate racks in the designated flammable liquid storage area, but the square footage taken up by this storage cannot be used to compute the total gallonage allowed in that area.

2. Containers under 30 gallons capacity shall not be stacked more than 3 feet or 2 containers high, whichever is greater, unless on fixed shelving or otherwise satisfactorily secured. Containers over 30 gallons shall not be stored more than one container high. All containers shall be stored in an upright position.

3. Shelving shall be of stable construction, of sufficient depth and of such arrangement that containers displayed thereon will not be easily displaced.

4. Piles shall be not closer than 3 feet to the nearest beam, chord, girder or other obstruction and shall be 3 feet below sprinkler deflectors or discharge orifices of water spray or other overhead fire-protection systems.

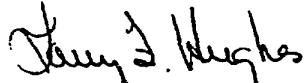
5. In areas that are not accessible to the public, Classes I, II and III-A liquids shall not be stored in the same pile or rack section as ordinary combustible commodities except when they are packaged together as kits.

6. Leaking containers shall be taken to a safe location in an area not accessible to the public and the contents transferred to an undamaged container.

Under the 1988 Edition of the UFC we will have to know which area of the warehouse you wish to designate as the flammable liquids storage area before we can compute the total gallonage allowed in that area. As you know you are allowed to store up to 5000 gallons in the Inside Storage and Handling Room provided you can arrange the storage in that room as noted under item D in the 1979 section of this letter.

I have recommended to the City Council that the Public Hearing scheduled for April 17, 1991 regarding your appeal be held over until the City Council meeting of May 15, 1991. This action was taken at your request that the Hearing not be held on April 17th and the fact that the Fire Marshal will not be available for the May 1, 1991 Council meeting. If you should decide that you do not wish to continue with the appeal process it will be up to you to contact City Manager Tom Peterson and notify him in writing to remove the Public Hearing from the May 17, 1991 City Council Agenda. If you wish to continue the process, you must be present on May 17, 1991 at the City Council meeting.

Respectfully,



Larry F. Hughes  
Fire Chief

cc: Herb Horstmann, Attorney  
Tom Peterson, City Manager  
Bob McNatt, City Attorney  
Steve Raddigan, Fire Marshal ✓  
file

CITY COUNCIL

DAVID M. HINCHMAN, Mayor  
JAMES W. PINKERTON, Jr.  
    Mayor Pro Tempore  
PHILLIP A. PENNINO  
JACK A. SIEGLOCK  
JOHN R. (Randy) SNIDER

*File*

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
FAX (209) 333-6795

THOMAS A. PETERSON  
City Manager

ALICE M. REIMCHE  
City Clerk

BOB McNATT  
City Attorney

May 21, 1991

Mr. Anton Sitter  
J. J. S. Warehouse  
23 Maxwell Street, Suite C  
Lodi, CA 95240

Dear Mr. Sitter:

This letter will confirm action taken by the Lodi City Council at its Regular Meeting of May 15, 1991 whereby following the withdrawal of your appeal to the Notice of Fire Hazard and Order to Abate issued by the Lodi Fire Department on September 28, 1990, the City Council, by motion action, denied the appeal and determined to allow you until January 31, 1992 to bring your operation into compliance with the Uniform Fire Code.

Should you have any questions regarding this matter, please do not hesitate to call.

Very truly yours,

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk

AMR/jmp

cc: Fire Chief, Larry Hughes  
Fire Marshal, Steve Raddigan